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February 11, 2022

**By ECF**

Honorable Kiyo A. Matsumoto  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Broecker, *et al.* v. New York City Department of Education, *et al.*  
Docket No. 21-CV-06387-KAM-LB

Dear Judge Matsumoto:

This law firm represents all of the Plaintiffs, in the above-referenced Action. This letter responds to the February 11, 2022 letter submitted by the Defendant New York City Department of Education ("NYCDOE").

The Plaintiffs were not parties to the State Court Action. As this Court recognized, there is a concern about the UFT's and CSA's standing in this Action to challenge the NYCDOE's unilateral termination of 43 Plaintiffs in this Action without due process.

Based upon the State Court's Order to Show Cause (**Docket Entry 86-1**) and Interim Order (**Docket Entry No. 86-2**), it is unclear why the Court denied the unions the relief they sought. It could very well be the same concerns this Court had with respect to the unions' standing in this Action. As a result, this Court should give no weight to the State Court's Interim Order or Order to Show Cause.

Respectfully submitted,

THE SCHER LAW FIRM, LLP

Austin Graff

cc: Counsel of Record (by ECF)